

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
NO. 4:19-CR-86-1FL

UNITED STATES OF AMERICA

v.

KIRBY WILLIAMS JR.,
Defendant.

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ORDER

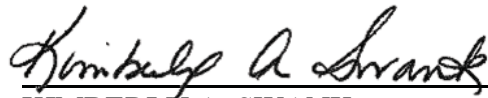
This matter is before the court on its own motion. On March 2, 2020, Defendant, Kirby Williams, Jr., appeared before the court with counsel for an initial appearance. While being advised by the court, Defendant indicated he did not understand the charges against him and did not understand his rights as advised by the court. Counsel appointed to represent Mr. Williams indicated that he had spoken with Mr. Williams at length and that Mr. Williams has a history of mental health issues. Based on the court's observations of Mr. Williams and statements made by Mr. Williams and counsel at the initial appearance, as well as the nature of the offenses with which Mr. Williams has been charged (mailing threatening communications to a United States judge), the court finds there is reasonable cause to believe that Mr. Williams may be suffering from a mental disease or defect rendering him unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

The court, therefore, ORDERS that Defendant be committed to the custody of the United States Attorney General for a period not to exceed thirty (30) days for purposes of a psychological and/or psychiatric examination at FMC Butner or such other suitable facility as may be designated by the Attorney General pursuant to 18 U.S.C. §§ 4241 and 4247(b). A report of the examination(s) shall be prepared and filed with the court pursuant to 18 U.S.C. § 4247(c), with

copies provided to counsel for Defendant and counsel for the Government.

It is further ordered that the initial appearance in this case shall be CONTINUED pending a determination of Defendant's mental competency to stand trial. Any delay that results from this order is excluded from Speedy Trial Act computation pursuant to 18 U.S.C. § 3161(h)(1)(A), as well as pursuant to 18 U.S.C. § 3161(h)(7)(A), the court finding that the interests of justice served by the additional time required to assess Defendant's competency outweigh the best interests of the public and defendant in a speedy trial.

This 2nd day of March 2020.

A handwritten signature in black ink, reading "Kimberly A. Swank", is written over a horizontal line.

KIMBERLY A. SWANK

United States Magistrate Judge